

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 01-CA-144694

**AMERICAN POSTAL WORKERS UNION,
AFL-CIO, BOSTON METRO AREA LOCAL 100**

DECISION AND ORDER

Statement of the Case

On February 29, 2016, the United States Postal Service (the Respondent), the American Postal Workers Union, Boston Metro Area Local 100 (Local 100), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

¹ We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing this function, including the main post office in Braintree, Massachusetts, which is located in the Respondent's Greater Boston District of the Northeast Area.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (PRA), 39 U.S.C. § 101 et seq.

2. The labor organization involved

Local 100 and the American Postal Workers Union, AFL-CIO (the APWU) are each a labor organization within the meaning of Section 2(5) of the National Labor Relations Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, at various locations in the Boston, Massachusetts metropolitan area as set forth in Appendix B, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Failing or refusing to bargain collectively and in good faith with the American Postal Workers Union, AFL-CIO, and Boston Metro Area Local 100, by failing to provide Local 100 in a timely manner with the requested information that is necessary for, and relevant to, APWU's and Local 100's ability to perform as the employees' bargaining agent at its facility at 333 Commerce Dr., Braintree, Massachusetts, and at all other facilities as specified in Appendix B, in the following appropriate unit:

All employees designated as Maintenance Employees, Motor Vehicle Employees, Postal Clerks, Mail Equipment Shops Employees, Material Distribution Centers Employees, and Operating Services and Facilities Services Employees in Article 1, Section 1, entitled "Union Recognition" of the National Agreement between the APWU and the Respondent.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the National Labor Relations Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Bargain collectively and in good faith with APWU and Local 100 as the exclusive collective-bargaining representative of the Unit in its facility at 333 Commerce Dr., Braintree, Massachusetts, and at all other facilities as specified in Appendix B.

(b) Supply APWU and Local 100 in a timely manner with requested information that is necessary for, and relevant to, APWU and Local 100's representation of the employees in the Unit at its facility at 333 Commerce Dr., Braintree, Massachusetts, and at all other facilities as specified in Appendix B.

(c) Within 14 days of service by the Region, (1) post at all facilities within the Greater Boston District of the Northeast Area, and (2) send to all its managers and supervisors at all facilities within the Greater Boston District of the Northeast Area, copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Region, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous place, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means.

(d) Within 21 days after service by the Region, file with the Regional Director for Region 1 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., July 20, 2016

Mark Gaston Pearce, Chairman

Kent Y. Hirozawa, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Bargain collectively through a representative chosen by employees;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT fail or refuse to bargain collectively and in good faith with the American Postal Workers Union, AFL-CIO, Boston Metro Area Local 100 (the Union), by failing to provide the Union in a timely manner with the requested information that is necessary for, and relevant to, the Union's representation of employees in our facility at 333 Commerce Dr., Braintree, Massachusetts, and at all other facilities as specified in Appendix B, in the following appropriate unit (the Unit):

All employees designated as Maintenance Employees, Motor Vehicle Employees, Postal Clerks, Mail Equipment Shops Employees, Material Distribution Centers Employees, and Operating Services and Facilities Services Employees in Article 1, Section 1, entitled "Union Recognition" of the National Agreement between the APWU and Respondent.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in the exercise of the rights guaranteed to them by Section 7 of the National Labor Relations Act.

WE WILL bargain collectively and in good faith with the Union as the exclusive collective-bargaining representative of the Unit by furnishing the Union in a timely manner with requested information that is necessary for, and relevant to, the Union's representation of Unit employees in our facility at 333 Commerce Dr., Braintree, Massachusetts, and at all other facilities as specified in Appendix B.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/01-CA-144694 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



APPENDIX B

Area 2 of the USPS Boston Installation

1. Braintree – Retail	125 Pearl St.
2. Braintree – DMU	333 Commerce Dr.
3. East Weymouth	1337 Commercial St.
4. Hyde Park	1269 Hyde Park Ave.
5. Jamaica Plain	655 Centre St.
6. Mattapan	1602 Blue Hill Ave.
7. Milton	499 Adams St.
8. Milton Village	50 Adams St.
9. North Quincy	454 Hancock St.
10. North Quincy Carrier Annex	615 Hancock St.
11. North Weymouth	53 Sea St.
12. Quincy	47 Washington St.
13. Readville	201 Neponset Valley Parkway
14. Roslindale	16 Cummins Hwy.
15. South Weymouth	84 Pleasant St.
16. West Roxbury	1834 Centre St.
17. Weymouth	103 Washington St.
18. Wollaston	5 Beach St.